

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James A. Gregg,

Case No. 21-CV-1180 (MJD/JFD)

Plaintiff,

v.

ORDER

Steve Kallis, Warden FMC; and Daniel
Basile, Chaplain FMC,

Defendants.

This matter is before the Court on Plaintiff James A. Gregg's Motions for Preliminary Injunction (Doc. Nos. 3, 4, 5), Defendants Steve Kallis and Daniel Basile's Motion to Dismiss (Doc. No. 37), and the Report and Recommendation of the Magistrate Judge (Doc. No. 51). No party has objected to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, and in consideration of the applicable law, the Court will adopt the Report and Recommendation in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation (Doc. No. 51) is **ADOPTED**.
2. Plaintiff James A. Gregg's Motions for Preliminary Injunction (Doc. Nos. 3, 4, and 5) are **DENIED**.
3. Defendants Steve Kallis and Daniel Basile's Motion to Dismiss (Doc. No. 37) is **GRANTED**, as follows:
 - a. Plaintiff's claims brought pursuant to 42 U.S.C. § 1983, 18 U.S.C. § 241, 18 U.S.C. § 242, and BOP regulations and policies are **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction; and
 - b. Plaintiff's Bivens claim is **DISMISSED WITH PREJUDICE** for failure to state a claim.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 16, 2022

s/Michael J. Davis

MICHAEL J. DAVIS

United States District Court